

SENATE BILL 544

P1, L1, L6

CONSTITUTIONAL AMENDMENT

2lr2722
CF HB 211

By: **Senators Ramirez, Raskin, Benson, Brinkley, Brochin, Colburn, Currie, DeGrange, Ferguson, Forehand, Frosh, Garagiola, Glassman, Jacobs, Jennings, King, Kittleman, Madaleno, Manno, Mathias, Middleton, Miller, Montgomery, Peters, Pinsky, Reilly, Robey, Rosapepe, Shank, Simonaire, Stone, Young, and Zirkin**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Elected Officials – Removal from Office – Crimes**

3 FOR the purpose of requiring that an elected official of the State or of a county or
4 municipal corporation who is convicted of or enters a certain plea relating to a
5 felony or certain misdemeanors be removed from office by operation of law;
6 repealing the provision of law that requires an elected official to be suspended
7 from office by operation of law under certain circumstances; making stylistic
8 changes; and submitting this amendment to the qualified voters of the State for
9 their adoption or rejection.

10 BY proposing an amendment to the Maryland Constitution
11 Article XV – Miscellaneous
12 Section 2

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
15 concurring), That it be proposed that the Maryland Constitution read as follows:

16 **Article XV – Miscellaneous**

17 2.

18 Any elected official of the State, or of a county or of a municipal corporation who
19 during [his] **THE ELECTED OFFICIAL’S** term of office is convicted of or enters a plea
20 of **GUILTY OR** nolo contendere to any crime which is a felony, or which is a
21 misdemeanor related to [his] **THE ELECTED OFFICIAL’S** public duties and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 responsibilities and involves moral turpitude for which the penalty may be
2 incarceration in any penal institution, shall be [suspended by operation of law without
3 pay or benefits from the elective office. During and for the period of suspension of the
4 elected official, the appropriate governing body and/or official authorized by law to fill
5 any vacancy in the elective office shall appoint a person to temporarily fill the elective
6 office, provided that if the elective office is one for which automatic succession is
7 provided by law, then in such event the person entitled to succeed to the office shall
8 temporarily fill the elective office. If the conviction becomes final, after judicial review
9 or otherwise, such elected official shall be] removed from the elective office by
10 operation of Law and the office shall be deemed vacant. If the conviction of the elected
11 official is reversed or overturned, the elected official shall be reinstated by operation of
12 Law to the elective office for the remainder, if any, of the elective term of office during
13 which [he] **THE ELECTED OFFICIAL** was [so suspended or] removed, and all pay and
14 benefits shall be restored.

15 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
16 determines that the amendment to the Maryland Constitution proposed by this Act
17 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the
18 Maryland Constitution concerning local approval of constitutional amendments do not
19 apply.

20 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
21 proposed as an amendment to the Maryland Constitution shall be submitted to the
22 qualified voters of the State at the next general election to be held in November, 2012
23 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.
24 At that general election, the vote on this proposed amendment to the Constitution
25 shall be by ballot, and upon each ballot there shall be printed the words "For the
26 Constitutional Amendment" and "Against the Constitutional Amendment," as now
27 provided by law. Immediately after the election, all returns shall be made to the
28 Governor of the vote for and against the proposed amendment, as directed by Article
29 XIV of the Maryland Constitution, and further proceedings had in accordance with
30 Article XIV.